

REMARKS

In response to the Office Action dated March 29, 2006, please consider the preceding amendments and the following remarks made in a good faith attempt to move prosecution of this application forward to a proper allowance of the claims.

Please note that any and all fees associated with this response, including any applicable extension fees under 37 C.F.R. 1.136, and any fees for newly presented claims, may be charged to the deposit account of the undersigned, **Account No. 50-0894**.

Applicant here requests such extensions under 37 C.F.R. 1.136 as may be necessary to render this response timely.

Please note that claims 1-2 and 4-5 have been amended and do not contain new matter. As such, Applicant believes claims 1-6 to be in condition for allowance.

Amendments to Claims

Claims 1 and 4 currently stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner remarks, "Claims 1 and 4 are misdescriptive in reciting the superfluous language ", but ...to," (lines 2-3) since "comprising" and "including" make the ingredients open-ended." *Office Action*, paragraph 2. In response, Applicant has amended claims 1 and 4 by cancelling the respective language. Thus, Applicant submits that amended claims 1 and 4 comply with 35 USC 112, second paragraph.

Claims 1-6 currently stand rejected under 35 USC 103(a) as being unpatentable over Weiss et al. in view of Poarch or Bolin. Examiner remarks, "Weiss et al discloses making a sausage product including mixing encapsulated citric acid with ground meat and spices to form a

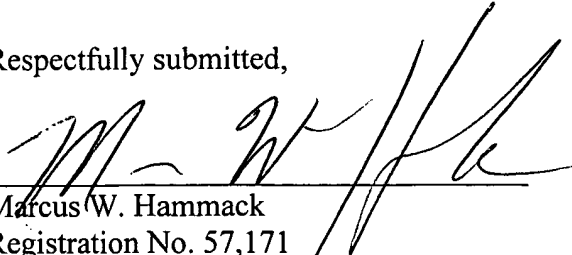
sausage blend which is then stuffed into a casing, tied and incubated. It would have been obvious to include vinegar in the sausage blend of Weiss et al to aid in reducing pH and coagulating protein since it is well known to add vinegar to sausage blend for such a purpose. The use of powdered vinegar as opposed to liquid vinegar does not provide any unexpected results and is not deemed to be critical.” *Office Action*, paragraph 4. Applicant respectfully asserts that such rejection is inappropriate regarding amended claims 1-2 and 4-5.

The present invention teaches and claims (in amended claims 1-6) a process for making sausage, such as Chorizo, with a meat emulsion extremely low in fat content. In fact, the process of the present invention may be successfully used in keeping a meat emulsion with a fat content as low as 5%, although preferably 25%, intact during low temperature curing. *Original Application*, page 7, lines 16-23. In order, to achieve these results, not only is it required to add the encapsulated acidulant, but it is also necessary to add the vinegar, specifically in powdered form. *Original Application*, page 8, lines 5-12. This powdered form of vinegar succeeds in lowering the pH of the emulsion without the introduction of liquid, such as liquid vinegar. In contrast, Weiss et al. teaches a method of acidulating moist, high fat meat emulsions such as salami. *Weiss et al.*, column 3, lines 26-38; column 5. Both the moistness of the mixture and the high fat content allow for better chances of the emulsion to remain intact as the meat cures; however, because much of the moisture is retained in the meat products disclosed in Weiss et al., these meat products are correspondingly much higher in moisture content and fat content upon the finally cured product the products made by the present invention. The present invention is able to achieve these unexpected results not only by adding an encapsulated acidulant, but also by the addition of powdered vinegar. In contrast, Poarch merely points out that vinegar has been used in meat emulsions; however, the meat emulsions referenced in Poarch are again, moist,

high-fat emulsions such as bologna and salami. *Poarch*, column 1, lines 11-15; column 3, lines 8-10. Additionally, Bolin et al. merely discloses that liquid vinegar is commonly sprayed onto sausage products prior to smoking or cooking to reduce the pH and promote the coagulation of protein at the surface. *Bolin et al.*, column 4, lines 3-10. Again, Applicant asserts that this disclosure does not render Applicant's use of powdered vinegar in the present invention obvious. That is, adding liquid vinegar to the emulsion increases initial moistness at the expense of maintenance of a low pH in the curing process. Furthermore, with liquid vinegar, as the emulsion cures and dries at low temperature, such pH advantage is lost allowing the meat emulsion to break apart during the curing process. Therefore, since none of the cited prior art either singularly or in combination renders obvious the present invention, Applicant asserts that the amended claims of the present invention are patentable under 35 USC 103(a) considering the cited prior art.

Applicant respectfully submits, that in view of the preceding, Claims 1-6 are in condition for allowance. Reconsideration and withdrawal of the rejections are hereby requested, and allowance of Claims 1-6 at an early date is solicited. If impediments to allowance of the claims remain and a telephone conference between the undersigned and the examiner would help remove such impediments in the opinion of the Examiner, a telephone conference is respectfully requested.

Respectfully submitted,



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